IN THE DRAWINGS

The specification has been amended to remove the typographical error referencing a fax server 228 in Figure 5. Accordingly, the drawings have not been amended and no new matter has been added.

REMARKS

The Office Action mailed July 29, 2004 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1, 2, 4-17, and 19-33 are now pending in this application. Claims 1-33 stand rejected. Claims 3 and 18 have been canceled.

The objection to the drawings is respectfully traversed. The specification has been amended to remove the typographical error referencing a fax server 228 in Figure 5. Accordingly, Applicant respectfully requests the objection to the drawings be withdrawn.

The rejection of Claims 1-33 under 35 U.S.C. § 102(b) as being anticipated by Matheson (U.S. Patent No. 5,623,413) is respectfully traversed.

Matheson describes a train and scheduling and control system includes a system-wide planner (200) who develops a course schedule, a planner (204) who develops a detailed movement plan that is inspected by a safety insurer (206) and finally implemented by a train controller (208). The schedule for each train includes data referred to as a "state vector" including an originating point, a time of departure from the originating point, and a destination point. The movement plan is a time history of the position of the trains throughout the plan including a movement planner initializer (400), a movement planner executor (MPE) (402), and a physical model (404). The MPE receives and records the state vector, and uses services of the physical model to advance time in increments until the physical model reports a conflict. Notably, Matheson does not describe nor suggest establishing an initial state of the locomotives in the parking yard and the service yard. Rather, as described at col. 22, lines 34-36, Matheson describes a state vector that relates to a conflict between trains moving on a railway network from an originating point to a destination point wherein the state vector at the time of the conflict is saved and reported.

As described in Matheson et al at column 12, lines 52-62, The planner/dispatcher 204 of Fig. 3 has two processes: a planer/dispatching function and a movement planner. The planner/dispatching function is responsible for the movement of a train from its dispatch (i.e., its earliest departure time) until its arrival at its destination (port, mine, railyard or terminal). The movement planner, as described below in connection with Fig. 4, takes the coarse

schedule initially determined by the system wide planner or order scheduler 200 and generates a detailed movement plan utilizing the details of the physical attributes of the train, the track parameters and train handling constraints.

Claim 1 recites a method for managing locomotives in a railyard including a parking yard and a service yard, based on possible future states of the parking yard and the service yard, using a system including a computer, wherein the method includes the step of "establishing an initial state of the locomotives in the parking yard and the service yard...."

Applicant respectfully submits that Matheson et al. do not describe a method for managing locomotives in a railyard including a parking yard and a service yard, based on possible future states of the parking yard and the service yard. Rather, in contrast to the present invention, Matheson et al. describe a scheduling system for moving assembled trains from Point A to Point B on a multi-path railway network wherein the position of a train in a rail network is indicated by the position of the head (locomotive) of the train, see column 29, lines 9-19 of Matheson. Applicant respectfully submits that when managing locomotives in a parking yard and a service yard, the position of the head (locomotive) of the train is not relevant during the claimed locomotive management process, in that the head of a train (locomotive) in a yard yields no beneficial information with respect to examining each possible future railyard state and/or choosing a present option based on the examination of the possible future railyard states. Matheson et al. describe a system that clearly does not perform the functions claimed in the present invention.,

Moreover, Matheson does not describe nor suggest a method for managing locomotives in a railyard including a parking yard and a service yard, based on possible future states of the parking yard and the service yard, using a system including a computer, wherein the method includes the step of establishing an initial state of the locomotives in the parking yard and the service yard. Rather in contrast to the present invention, Matheson describes a state vector that relates to a conflict between trains moving on a railway network from an originating point to a destination point wherein the state vector at the time of the conflict is saved and reported. For at least the reasons set forth above, Claim 1 is submitted to be patentable over Matheson.

Claim 3 has been canceled. Claims 2 and 4-15 depend from independent Claim 1. When the recitations of Claims 2 and 4-15 are considered in combination with the recitations

of Claim 1, Applicant submits that dependent Claims 2 and 4-15 are likewise patentable over Matheson.

Claim 16 recites a networked system for managing locomotives in a railyard including a parking yard and a service yard, based on possible future states of the parking yard and the service yard, wherein the system includes "a server system configured to establish an initial state of the locomotives in the parking yard and the service yard...."

Matheson et al. describes the function of a physical model 404 that follows the motion of a train once it has been provided by the movement planner executive 402 with data identifying the initial state, stopping condition and the time advanced interval. The information included in the "initial state" that the physical model 404 receives from the movement planner executive 402 is described at Col. 22, lines 7-11 and Col. 22, lines 28-30. Specifically, the initial state data includes data pertaining to a train that includes the originating point, a time of departure from the originating point, and a destination point. Applicant respectfully submits that the initial data, as described in Matheson et al., relates to a train moving on a railway network from an originating point to a destination and does not describe nor suggest an initial state of the locomotives in the parking yard and the service yard.

Moreover, Matheson does not describe nor suggest a networked system for managing locomotives in a railyard including a parking yard and a service yard, based on possible future states of the parking yard and the service yard, wherein the system includes a server system configured to establish an initial state of the locomotives in the parking yard and the service yard. Rather in contrast to the present invention, Matheson describes a state vector that relates to a conflict between trains moving on a railway network from an originating point to a destination point wherein the state vector at the time of the conflict is saved and reported. For at least the reasons set forth above, Claim 16 is submitted to be patentable over Matheson.

Claim 18 has been canceled. Claims 17 and 19-33 depend from independent Claim 16. When the recitations of Claims 17 and 19-33 are considered in combination with the recitations of Claim 16, Applicant submits that dependent Claims 17 and 19-33 are likewise patentable over Matheson.

For at least the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1-33 be withdrawn.

In view of the foregoing amendments and remarks, all claims now active in this application are believed to be in condition for allowance. Therefore, reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

Robert B. Reeser III
Registration No. 45,548
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070